



IAP15 Rec'd PCT/PTO 19 JUN 2006
PCT

Docket No.: 21416 US (C038435/0185663)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)

Tatsuo HOSHINO *et al.*)

Serial No.: 10/528,847)

Filed: February 10, 2006)

For: **ACC GENE**

Examiner: I. H. Chowdhury

Art Unit: 1652

New York, New York
June 16, 2006

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed May 17, 2006, which set a one-month shortened statutory period for response. Accordingly, this response is filed timely upon mailing, with an executed certificate of mailing, on or before June 19, 2006 because June 17, 2006 falls out on a Saturday. 37 CFR §§ 1.7 and 1.8. No fee is believed to be due. If it is determined that a fee is due, please charge such fee to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.

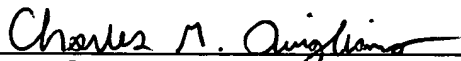
On page 2 of the Office Action, the Examiner issued a five-way restriction requirement pursuant to 35 USC §§ 121 and 372. The restriction divided the claims into the following allegedly distinct inventions: Group I (claims 1-11 and 27-35) "drawn

to an isolated polynucleotide encoding a polypeptide having acetyl-CoA carboxylase (ACC) activity;" Group II (claims 12 and 36) "drawn to isolated polypeptide having acetyl-CoA carboxylase (ACC) activity;" Group III (claims 13 and 37) "drawn to an antibody that binds to the polypeptide ACC;" Group IV (claims 14-22 and 38-46) "drawn to an isolated antisense polynucleotide against the polynucleotide of ACC gene;" and Group V (claims 23-26 and 47-49) "drawn to a process for producing carotenoids." (Paper No. 05102006 at 2).

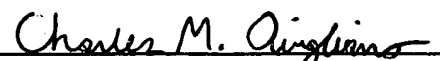
In accordance with restriction practice, the subject matter of claims 1-11 and 27-35 (Group I) is hereby elected for prosecution with traverse.

If the Examiner has any questions regarding this paper, please contact the undersigned attorney.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, on June 16, 2006.


Charles M. Avigliano, Reg. No. 52,578

Respectfully submitted,

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